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/David H. Brinkman/
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8/12/08
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/555,713
Filed : October 20, 2006
Examiner : Pham, Thanh V.
Confirmation No. : 9725
Art Unit : 2894
Applicant[s] : Martin Hausner et al.
Title: : **RADIATION SENSOR, WAFER, SENSOR MODULE AND
METHOD FOR MANUFACTURING A RADIATION SENSOR**
Our Ref: : BEET-14

Cincinnati, Ohio 45202

August 12, 2008

MAIL STOP Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR RECONSIDERATION OF
NOTICE OF NON-COMPLIANT AMENDMENT (37 C.F.R. §1.121)**

This Request for Reconsideration is submitted in reply to the Notice of Non-Compliant Amendment (37 C.F.R. §1.121) mailed on August 4, 2008. In the Notice of Non-Compliant Amendment, the numbering of the claims is asserted not to be in accordance with 37 C.F.R. §1.126 which requires the original numbering of the claims to be preserved throughout the prosecution.

Applicants respectfully submit that the pending claims do indeed comply with 37 C.F.R. §1.126 for the reasons set forth below and request the Notice of Non-Compliant Amendment be withdrawn.

By way of background, the originally filed International Application contained 17 claims. An Article 19 Amendment was thereafter filed containing 15 claims. An International Preliminary Examination Report and its accompanying Annexes were filed with the European Patent Office on June 14, 2005, including the 15 claims submitted in the Article 19 Amendment.

Applicants submitted a copy of the English translation of the International Preliminary Report on Patentability and its accompanying Annexes (including the 15 claims) with the United States Patent and Trademark Office on October 20, 2006 in a Response to Notification of Missing Requirements.

The Preliminary Amendment filed with the United States Patent and Trademark Office on November 4, 2005 and the Second Preliminary Amendment filed with the United States Patent and Trademark Office on November 30, 2006 are based on the 15 claims presented in the International Preliminary Report on Patentability with its accompanying Annexes.

Consequently, Applicants cancellation of the 15 claims in the Preliminary Amendment mailed on November 4, 2005, and presentation of new claims 16-28, was indeed correct and complies with 37 C.F.R. §1.126. Applicants' subsequent amendment of claim 26 and addition of new claims 29 and 30 in the Second Preliminary Amendment mailed on November 30, 2006 was also correct and complies with 37 C.F.R. §1.126.

In view of the above, Applicants respectfully request that the Notice of Non-Compliant Amendment be withdrawn.

Applicants do not believe that any fees are due in connection with this submission. However, if any additional fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

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